

REMARKS

This responds to the Office Action mailed on May 28, 2008.

Claims 47, 55, 57, 58 are amended, no claims are canceled, and claims 61-66 are added; as a result, claims 47-66 are now pending in this application.

Claim 57 is amended to correct a typographical error.

§102 Rejection of the Claims

Claims 47-49 and 53-60 were rejected under 35 U.S.C. § 102(e) for anticipation by Van Hoff et al. (U.S. 6,272,536; hereinafter “Van Hoff”). Applicant has amended independent claims 47, 55, and 58 to overcome these rejections.

Applicant respectfully submits that one or more elements of these independent claims are not disclosed or described in the cited reference. In particular, Applicant cannot find in the cited portions of Van Hoff any disclosure or description of “creating, by a channel server, a hierarchical list of one or more channel clients and one or more tasks assigned to each one of the channel clients,” as presently recited in independent claim 47 and similarly recited in independent claims 55 and 58. Instead, the cited portions of Van Hoff appear to refer to a client software application. Van Hoff apparently refers to a file replication system or a file mirroring system, where a client’s directory system is synchronized with a server’s directory system.¹ In such a system, merely changing a directory structure at the server (e.g., adding, deleting or modifying a file or directory) will cause the change to be propagated to the client. In contrast, Applicant’s system allows arbitrary tasks, which may include packages, files, scripts, or commands, to be associated with a particular channel client to be executed or installed at the channel client. As such, it appears that there is no description or disclosure in all of Van Hoff of organizing clients and tasks, much less organizing channel clients and tasks associated with each client in a hierarchical list, as presently recited in claim 47 and similarly recited in claims 55 and 58.

¹ See Van Hoff at FIGS. 3A and 3B and text at col. 7, line 35 – col. 8, line 21.

In sum, because the cited portions of the references do not disclose or describe all of the subject matter of independent claims 47, 55, and 58, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

Claims 50-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Hoff. Applicant respectfully traverses these rejections.

The dependent claims 50-52 depend from independent claim 47, either directly or indirectly, and accordingly incorporate the limitations of this independent claim. These dependent claims are accordingly believed to be patentable for at least the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection of these claims.

New Claims 61-66

Applicant respectfully submits that the new claims 61-66 are fully supported by the originally-filed application. For example, with respect to claims 61-63, see page 4, lines 21-22. With respect to claims 64-66 see originally-filed claim 47, and FIG. 9 and associated text at page 20, line 28 to page 21, line 19. As such, Applicant respectfully submits that these newly presented claims do not contain any new matter.

Claims 61-63 depend from independent claim 47. Thus, Applicant respectfully submits that new claims 61-63 are allowable for at least the reasons presented above with respect to their independent base claim 47.

Claims 64-66 include features found in the other independent claims 47, 55, and 58, and in particular, these new claims include the use of a hierarchical list of clients and associated tasks. Thus, based on the discussion above with respect to claims 47, 55, and 58, Applicant respectfully submits that the new claims 64-66 are allowable for at least the reasons presented above.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

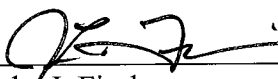
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2134 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

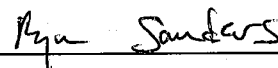
Respectfully submitted,

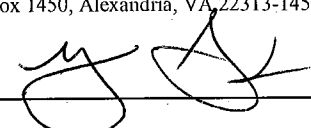
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2134

Date 29 Sept 2008

By 
John I. Fischer
Reg. No. 60,900

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of September, 2008.


Name


Signature